

REMARKS

The Office Action has been carefully reviewed. Claims 1-31 are pending. Claims 1, 12, 14, and 31 have been amended. Support for the amendments is found throughout the specification, such as, for example, at page 7, lines 7-18. No new matter has been added. Entry of the amendments to the claims is respectfully requested. Reconsideration of the outstanding rejections in the present application is also respectfully requested based on the following remarks.¹

I. Rejections Under 35 U.S.C. § 103

Claims 1-31 have been rejected under 35 U.S.C. § 102 as allegedly being unpatentable over U.S. Patent No. 5,797,13 to Jones *et al.* (“Jones”) in view of U.S. Patent No. 7,310,617 to Cunningham (“Cunningham”). *See* Office Action, pages 3-10. Applicant hereby respectfully traverses this rejection.

Regarding claim 1, Applicant respectfully disagree with the Examiner’s assertion that Claims 1-13 have the same elements as method claims 14-31. *See* Office Action, page 9. Specifically, the Office Action states “[r]egarding claims 1-13, these claims include the necessary processors and components for implementing the method claims 14-31 and have the same elements and limitations. Hence they are rejected under the same rationale provided in claims 14-31. *See id.* The Office Action fails to address elements of claims 1-13 which are different from claims 14-31. For example, claim 1 recites “wherein the pre-qualification data

¹ As Applicant’s remarks with respect to the Examiner’s rejections are sufficient to overcome these rejections, Applicant’s silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., assertions regarding dependent claims, whether a reference constitutes prior art, whether references are legally combinable for obviousness purposes, Examiner interpretations of claims, Examiner interpretations of the specification) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

relates to at least one financial instrument associated with the financial institution that the consumer is qualified to be offered based on information stored in a pre-qualified consumer database that is accessed by the third party upon receipt of the consumer information from the system.” Thus the rejection of claims 1-13 improperly ignores elements of the claims and must be withdrawn.

Regarding claim 1, Jones and Cunningham, either singly or in combination, fail to teach or suggest “requesting data periodically for requalification of the consumer prior to a consumer contact to reduce a likelihood of offering a financial instrument for which a consumer is no longer qualified.”

Jones and Cunningham, either singly or in combination, also fail to teach or suggest “the consumer information being **received prior to a consumer contact.**” In contrast, the method and system of Jones begin with a potential borrower initiating a contact to a lender. *See* Jones, col. 5, lines 4-15 (“the method and associated system of the instant invention operates in a preferred embodiment as follows: ... a potential borrower initiates a call ... [to] a particular lender.”) As illustrated in Fig. 1 of Jones, first a call is received from a potential borrower (e.g., step 14), “a set of questions at block 26 is then played over the telephone to the caller.” *See*, Jones, col. 5, lines 33-34; and Fig. 1, block 26 (labeled “Interrogation”). The “questions are designed to be inputted into a set of calculations to determine the credit-worthiness of the borrower.” Jones, col. 5, lines 40-42. Thus the consumer information of Jones is received **from the consumer not “prior to a consumer contact.”** Cunningham fails to remedy these deficiencies.

Cunningham states:

The present invention-which may be accessed via the World Wide Web-prompts a user for pertinent information.

Additional credit history data may be obtained using the personal and financial information provided by the user. A user may then be assigned a financial rating or grade/score based on the personal, financial, and credit history data provided to the system of the present invention. The financial risk rating may be used to locate financial card offers.

Cunningham; summary of the invention, col. 2, lines 20-27 (emphasis added). Cunningham further states that the “**process begins when a user (applicant) completes an application** 40 by providing personal and financial information.” Cunningham; col. 4, lines 14-16 (emphasis added). Cunningham is directed towards a user accessing a web site, providing information, and then being presented with credit card offers. *See* abstract. In contrast, claim 1 recites “**the consumer personal identification information being received prior to a consumer contact.**”

Accordingly, Applicant respectfully submits that Jones and Cunningham fail to teach or suggest the limitations of claim 1.

Regarding claim 14. Claim 14 of the present application further recites:

receiving pre-qualification data from the third party wherein the pre-qualification data relates to a determination of whether a consumer identifier associated with the consumer is contained in a suppression database, wherein **the suppression database comprises a plurality of second consumer files**, each of the second consumer files linked to a unique consumer identifier, wherein the second consumer files comprise suppression information relating to a determination that the consumer associated with the **second consumer file is no longer qualified to be offered one or more of the pre-qualified financial instruments stored in the first consumer file**.

(Emphasis added). Applicant respectfully submits that Jones fails to disclose “receiving pre-qualification data from the third party wherein the pre-qualification data relates to a determination of whether a consumer identifier associated with the consumer is contained in a suppression database,” as recited by claim 14. Jones, at best, teaches accessing a single system of a financial credit bureau. *Jones*, col. 6, lines 4-5. Cunningham fails to remedy this

deficiency. Cunningham fails to disclose a “suppression database [which] comprises a plurality of second consumer files.”

Regarding claims 12, 14, and 31, although these claims are of different scope than claim 1, these claims recite subject matter related to claim 1. Accordingly, Applicant respectfully submits that claims 12, 14, and 31 are be allowable over Cunningham for analogous reasons as set forth above with respect to claim 1.

Regarding dependent claims 2-11, 13, and 15-30, these claims are dependent upon independent claims 1, 12, and 14, respectively. Thus, since independent claims 1, 12, and 14 are allowable as discussed above, dependent claims 2-11, 13, and 15-30 are also be allowable at least by virtue of their dependency on independent claim 1, 12, and 14, respectively. Moreover, these claims recite additional features which are not taught or even suggested, by the applied references taken either alone or in combination.

In view of the foregoing, Applicant respectfully requests that the aforementioned obviousness rejection of claims 1-31 be withdrawn.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,

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